

### REMARKS

In response to the action, Applicant has amended the specification, withdrawn claim 10 and amended claims 1 to 10. Applicant respectfully requests reconsideration in view of the amendment and the following remarks.

Applicant amended paragraph 17 to include the correct spelling of the term containing and remove some surplus punctuation. Applicant respectfully submits that these amendments enter no new matter.

Applicant has amended claims 1 and 10 to the acid being "consisting of" scope to clarify that the invention covers the use of organic acids, not inorganic acids. Paragraph 14 provides a basis for the limitation. In addition, Applicant has amended the pH in claims 1 and 10 from basic to a pH range of 7 to 12. This should clarify that claim 9 covers a neutral pH of 7; and paragraph 15 provides a basis for the limitation. In addition, Applicant has amended claims 2 to 9 to include the correct article. Claim 4 now depends from claim 1; and claim 9 corrects a potential antecedent basis issue. Applicant respectfully submits that these amendments enter no new matter.

Applicant confirms the election of Invention I (claims 1 to 9) and has withdrawn Invention II (claim 10) from consideration. But because amended claim 10 includes the limitations of claim 1, Applicant respectfully requests reconsideration of claim 10 after allowance of claims 1 to 9.

The action rejects claims 1 to 9 for being anticipated under 35 U.S.C. § 102 (b) by Tsuchiya et al. (US Pat. Pub. No. 2001/0006224). In particular, Tsuchiya et al. disclose the use of a barrier polishing composition that optionally includes an oxidizer. But in paragraphs 39 and 40, Tsuchiya et al. disclose the use of an inorganic salt. Furthermore, paragraph 46 states that

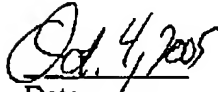
organic acids “may be used” for enhancing oxidation by the oxidizing agents. And the Examples of Tsuchiya et al. that include inorganic acids, all contain oxidizers contrary to the scope of Claim 1. Applicant amended the claims to reflect that the claim scope covers organic acids, not inorganic acids; and the claims continue to require the solution to be oxidizer free. Thus, since Tsuchiya et al. fail to disclose a barrier polishing solution that operates with an organic acid without the use of an oxidizing agent, Applicant respectfully submits that the cited reference does not anticipate claims 1 to 9, as amended.

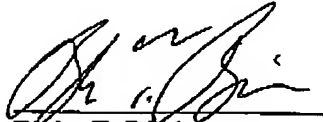
The action rejects claims 1 to 9 for being obvious under 35 U.S.C. § 103 (a) in view of Tsuchiya et al. (US Pat. Pub. No. 2001/0006224). In particular, Tsuchiya et al. disclose the use of a barrier polishing composition that optionally includes an oxidizer. But in paragraphs 39 and 40, Tsuchiya et al. disclose the use of an inorganic salt. Furthermore, paragraph 46 states that organic acids “may be used” for enhancing oxidation by the oxidizing agents--this teaches away from the claimed invention of the solution having no addition of oxidizing agent. And the Examples of Tsuchiya et al. that include inorganic acids, all contain oxidizers--this also teaches away from the claimed invention of the solution having no addition of oxidizing agent.

Applicant amended the claims to reflect that the claim scope covers organic acids, not inorganic acids; and the claims continue to require the solution to be oxidizer free. Thus, since Tsuchiya et al. fail to disclose a barrier polishing solution that operates with an organic acid without the use of an oxidizing agent, and teach away by only using organic acids in combination with an oxidizing agent, Applicant respectfully submits that the cited reference does not suggest or render obvious claims 1 to 9, as amended, under 35 U.S.C. § 103 (a).

Applicant respectfully submits that claims 1 to 9, as amended, are in condition for allowance and respectfully request reconsideration of the amended claims. If a telephone call would expedite prosecution, please call me at (302) 283-2136.

Respectfully submitted,

  
Date

  
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